UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

4 WESCO INSURANCE CO.,

Plaintiff,

v.

SMART INDUSTRIES CORP.,

Defendants.

Case No.: 2:16-cv-01206-JCM-EJY

ORDER

Before the Court is Third Party Plaintiff Hi-Tech Security Inc.'s Joint Stipulation to Join Sara Rodriguez, natural parent and guardian ad litem of Jacob Wyman, as a Plaintiff (ECF No. 128). The Court has considered the Joint Stipulation, the Minutes of Proceedings before Judge George W. Foley on the Consolidated Defendants Hi-Tech Security Inc. and William Roseberrys' Motion for Leave to File Third Party Complaint Against Jacob Wyman, or in the Alternative, Motion for Joinder of Jacob Wyman as a Compulsory Plaintiff, or in the Alternative, Motion to File Complaint for Interpleader (ECF No. 78); Consolidated Defendants Hi-Tech Security Inc. and William Roseberrys' Motion to Stay Deadline for Filing Joint Pretrial Order (ECF No. 79); and Defendant Smart Industries Corp.'s Tenth Stipulation for Extension of Time for Filing Pretrial Order (ECF No. 93); as well as the documents referred to herein. Upon consideration of each of these documents, the Court finds that the parties' instant Joint Stipulation is deficient.

Accordingly,

IT IS HEREBY ORDERED that Joint Stipulation to Join Sara Rodriguez, natural parent and guardian ad litem of Jacob Wyman, as a Plaintiff (ECF No. 128) is GRANTED in part and DENIED in Part.

IT IS FURTHER ORDERED that the Joint Stipulation is GRANTED as follows: Sara Rodriguez, natural parent and guardian ad litem of Jacob Wyman, is joined as a plaintiff to this matter. In all other respects, the Joint Stipulation is DENIED.

IT IS FURTHER ORDERED that the New Plaintiff's Complaint (attached to the Joint Stipulation as Exhibit 1), be detached and filed separately pursuant to Local Rules of Practice LR IC 2-2(a)(3)(A).

IT IS FURTHER ORDERED that the Answers previously filed in response to New Plaintiff's Complaint in state court Case No. A-17-756403-C by Defendants Smart Industries Corp. d/b/a Smart Industries Corp., Mfg. (Exhibit 2); Hi-Tech Security Inc. (Exhibit 3); and William Roseberry (Exhibit 4) also be individually detached and filed separately. *See* LR IC 2-2(a)(3)(A).

IT IS FURTHER ORDERED that the parties comply with the Court's July 30, 2019 Order (ECF No. 125) requiring Sara Rodriguez, guardian ad litem for Jacob Wyman, to file a consent to removal no later than August 23, 2019.

IT IS FURTHER ORDERED that a Joint Discovery Plan and Scheduling Order is to be filed no later than September 4, 2019. If no Joint Discovery Plan and Scheduling Order is filed by or before this date, the parties shall submit separate discovery plans and scheduling order proposals as of this same date. The joint or each individually submitted discovery plan and scheduling order shall include a description of all discovery completed applicable to the issues pending in this case (whether completed in the state or this instant action), all discovery left to be completed, and the amount of time needed to complete such discovery. All other requirements of Local Rule 26-1(b) shall also be met.

IT IS FURTHER ORDERED that the parties submit a request to amend the caption of the case so as to accurately reflect the alignment and composition of the parties. *See* Fed. R. Civ. P. 10(a).

IT IS FINALLY ORDERED that Defendants Hi-Tech and William Roseberrys' Motion for Joinder of Jacob Wyman as a Compulsory Plaintiff (ECF No. 78) is moot, and any dates set pertaining to such motion are vacated.

DATED THIS 16th day of August, 2019.

ELAYNA J. YOUCHAH United States Magistrate Judge